

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

18-CR-6094

XAVIER TORRES,

Defendant.

PROTECTIVE ORDER

As part of discovery in this action, the government is providing counsel for the defendant with, among other things, affidavits underlying state search warrants for searches conducted on January 29, 2018; affidavits underlying GPS tracker search warrants; cellular telephone extraction reports; pole camera footage; and miscellaneous paperwork located during the search warrants executed on January 29, 2018. The government has requested a protective order limiting the dissemination of this material on the grounds that the safety of potential witnesses may be compromised and to protect private information and personal identifying information contained therein.

NOW, upon agreement of the parties, it is hereby

ORDERED, that the material set forth above shall be used by counsel for the defendant and the defendant solely in connection with pretrial, trial or other proceedings in this action, including any appeals, shall not be disclosed to the public, and shall not be

disclosed to third parties by counsel or the defendant except as necessary in connection with pretrial proceedings, trial preparation or other proceedings in this action; and it is further

ORDERED, that copies of the material set forth above shall not be provided to third parties except those persons or entities employed or engaged for the purpose of assisting in the defense of this action; and it is further

ORDERED, that copies of the material set forth above shall not be provided to the defendant absent further order of the Court; and it is further

ORDERED, that if counsel for the defendant provide the defendant with access to the above material, counsel shall ensure that the defendant do not have access to a cellular telephone or any other photographic or video- or audio-recording equipment during such review; and it is further

ORDERED, that the unauthorized copying, dissemination, and/or posting of copies, or the contents, of the above material on the internet or through any form of social media shall constitute a violation of the terms of this order; and it is further

ORDERED, that nothing in this order shall preclude counsel for the defendant or the defendant from disclosing the material during the course of the litigation of this action in pretrial proceedings, in memoranda filed, at trial or in post-trial proceedings; and it is further

ORDERED, that counsel for the defendant or the defendant may apply to the Court for an order specifically permitting public disclosure of the above mentioned material; and it is further

ORDERED, that at the conclusion of the litigation of this action, including any direct appeal, 2255 motion, or other collateral challenge to a conviction in this case, counsel for the defendant and the defendant shall return all copies of the above mentioned material to the government immediately upon request of the government.

DATED: Rochester, New York, MARCH 13, 2019.



HON. JONATHAN W. FELDMAN
United States Magistrate Judge